

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

DANIEL COLLINS, #177-912

Petitioner,

v.

WARDEN,

Respondent.

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CIVIL ACTION NO. L-06-3187

MEMORANDUM

Now pending is Daniel Collins's ("Collins") civil action. No oral argument is necessary because the case is subject to summary dismissal upon preliminary review. For the reasons stated herein, the Court will, by separate Order, DISMISS the case.¹

I. Background

In his filing, Collins states that he has twice sent Petitions for Judicial Review to the Circuit Court for Anne Arundel County, Maryland (hereinafter "circuit court"). Both times, he requested that the Clerk of the circuit court issue him a receipt for his petition. Collins states that he has not received a receipt. He now asks this Court to contact the circuit court to compel the assignment of a case number and/or compel the Clerk of that court to issue a receipt.

II Analysis

The Court, construing Collins's letter liberally,² deems it a mandamus petition filed pursuant to 28 U.S.C. § 1361, seeking to compel action. Under § 1361, a federal district court has original jurisdiction over any action in the nature of mandamus to compel an officer or

¹ Although Collins has not filed a Motion for Leave to Proceed in Forma Pauperis, the Court will GRANT indigency status pursuant to 28 U.S.C. § 1915(a).

² See Gordon v. Leeke, 574 F.2d 1147, 1151 (4th Cir. 1978).

employee of the United States or one of its agencies to perform a duty owed to a petitioner. A federal district court has no mandamus jurisdiction, however, over state employees and cannot compel the Maryland state courts to supply Collins with a case number or a receipt for his filing. See Gurley v. Superior Court of Mecklenburg County, 411 F.2d 586, 586-87 (4th Cir. 1969).

III. Conclusion

For the aforementioned reasons, the Court will DISMISS Collins's petition.

Dated this 4th day of January, 2007.

/s/
Benson Everett Legg
Chief Judge